

# **TIPP CITY COUNCIL STUDY SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**AUGUST 3, 2009**

## **Study Session**

Assistant City Manager Brad Vath opened the Study Session at 6:45 p.m. on this date.

## **Roll Call**

Council Members in attendance included: George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, Mayor Evans, Bill Beagle, and Vickie Blakey. Others in attendance included: Honeycreek Watershed Coordinator Leigh Ann Gerardi-McCulla, City Engineer Scott Vagedes, City Intern Matt Conover, Fire Chief Steve Kessler, Utilities Director Mo Eichman, Finance Director Richard Drennen, EMS Chief Mark Senseman, Police Chief Tom Davidson, City Attorney Joseph Moore, *Dayton Daily News* Reporter Nancy Bowman, and Clerk of Council Cathy Ross.

## **Discussion – Honeycreek Watershed**

Mr. Eichman introduced Honeycreek Watershed Coordinator Leigh Ann Gerardi-McCulla who presented an information video for Council to watch regarding the Honeycreek Watershed.

## **Exit 69 Safety Fund Grant**

Mr. Vath reviewed a conceptual drawing regarding the proposed new Exit 69 upgrades. He explained that we have received preliminary approval for this grant and thanked Bruns General Contracting, Tipp City Schools, Meijer, Chamber of Commerce, Tipp City Chiefs Kessler, Senseman, and Davidson who sent letters of support for this new exit. Mr. Vath added that this is a \$4M project with ODOT contributing 90%. Tipp City would be required to pay 10% and are hopeful that a MVRPC grant will provide this amount. This has been labeled a model application and Mr. Vath is cautiously optimistic that MVRPC will support it.

## **Income Tax Credit Reduction**

Mr. Vath distributed a memo and information from City Manager Crusey which provided Council a list of local municipalities which participate in the Income Tax Credit Reduction.

Council discussed the pros and cons of instituting an income tax credit reduction and the amount of the reduction to be put in place. Mr. Drennen recommended that it be kept at .5% and stated that this will create the need for more follow-up and the part-time Finance Department employee's hours would probably have to be increased to 20 hours per week. After lengthy discussion and a casual vote, Mr. Lovett requested that an ordinance be prepared and included on the next agenda for a 0.5% credit reduction, starting on 1/1/2010 and expiring after 15 years.

## **Adjournment**

The study session concluded at 7:40 p.m.

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Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council

# **TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**AUGUST 3, 2009**

## **Roll Call**

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:31 p.m. Roll call showed the following Councilmembers present: George H. Lovett, President Patrick A. Hale, Dolores Gillis, Vickie Blakey, Mayor Tim Evans, William Beagle, and John E. Kessler.

Others in attendance: Assistant City Manager Brad Vath, Law Director Joseph P. Moore, Fire Chief Steve Kessler, Utilities Director Mo Eichman, Police Chief Tom Davidson, Finance Director Dick Drennen, *Dayton Daily News* reporter Nancy Bowman, *Sunday Record Herald* reporter Joyell Nevins, and Clerk of Council Cathy Ross.

Guests signing the register included: Rick Geel, Connie Geel, John Berbach, Philip Starry, Greg Enslen, Mark Mabelitini, Bob Steggemann, Jim Asher, Mike McDermott, Mark Buchanan, Matt Owen, and Gene Luther.

## **Invocation and Pledge of Allegiance**

Mayor Evans delivered the invocation and President Hale led the Pledge of Allegiance.

## **Approval of Agenda**

President Hale made a motion to approve the agenda, seconded by Mr. Lovett and unanimously approved.

## **Adoption of Minutes**

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the minutes of the July 13, 2009 pre-meeting study session. The motion carried 6-0; Mr. Beagle abstained.

President Hale moved, seconded by Mayor Evans, to approve the minutes of the July 13, 2009 meeting. The motion carried 6-0; Mr. Beagle abstained.

Mr. Kessler moved, seconded by Mr. Lovett, to approve the minutes of the July 13, 2009 post-meeting study session. The motion carried 6-0; Mr. Beagle abstained.

## **Presentations, Proclamations, and Awards**

Mayor Evans read a proclamation for Vintage Base Ball Week and several members of the Tipp City Canal Jumpers team accepted the proclamation.

Finance Director Drennen presented Parks Superintendent Jim Asher with a plaque from MVRMA for the 4<sup>th</sup> consecutive year of no losses and congratulated Mr. Asher and Mr. Tasker for their efforts in achieving this award.

## **Ordinance (Second Reading) Ordinance 20-09 Code Amendment**

The following ordinances were presented to City Council for adoption.

An ordinance amending § 37.53 of the Tipp City Municipal Code.

Clerk of Council Summary: This ordinance amends Section 37.53 of

the Tipp City Municipal Code to comply with new regulations from the Ohio Supreme Court.

City Manager's Report: The Supreme Court of Ohio recently upheld as constitutional a 2006 state law that bars a political subdivision from requiring its employees, as a condition of employment, to reside in a specific area of the state. The effect of this ruling is that §37.53 of the Tipp City Code of Ordinance, which requires full-time employees to live within 15 miles of the City and provides the City Manager the authority to require newly hired management employees to reside in the City, is invalid. The adoption of this ordinance would enact the provisions of §9.481 of the Ohio Revised Code, which was upheld by the Court, that allows a political subdivision to adopt an ordinance or resolution that requires any individual employed by that political subdivision in an "emergency or disaster response position", as a condition of employment, to reside in either the county where the political subdivision is located or in any adjacent county in this state. Furthermore, this ordinance authorizes the City Manager to designate certain positions as "emergency or disaster response positions", subject to approval by Council. There are no restrictions regarding where any employee in a non-emergency or disaster response position may reside. The Police and AFSCME collective bargaining agreements already include the Revised Code residency provision in anticipation of this ruling.

There being no further discussion, Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Kessler. The motion carried with a 7-0 vote. Ordinance 20-09 was declared passed and President Hale affixed his signature in witness thereto.

The following resolutions were presented to City Council for adoption.

**Resolutions**  
**(One Reading Required)**  
**Resolution 32-09**  
 Hyatt Street Waterline  
 Extension Project

A resolution authorizing a contract with Finrock Construction, Inc. of Covington, Ohio for the Hyatt Street Waterline Extension Projection.

Clerk of Council Summary: Eight bids were received from this project, four of which were below the engineer's estimate.

City Manager Report - The adoption of this resolution would authorize the City Manager to enter into a contract with Finrock Construction for the S. Hyatt Street Waterline Project. This project involves the construction of a 12-inch water main from Fifth Street to just south of Barbara Drive. The engineer's estimate for this project was \$87,528.50. Eight bids were received ranging from \$79,000 to \$96,198.

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mr. Kessler. Mr. Lovett stepped out of the meeting and recused himself from discussion and the vote. The motion carried with a 6-0 vote. Resolution 32-09 was declared passed and President Hale affixed his signature in witness thereto. Mr. Lovett then returned to the meeting.

**Resolution 33-09**  
 DARE Grant

A resolution authorizing the City Manager to apply for and administer a grant from the office of the Attorney General, State of Ohio, for matching funds to defray up to 50% of the cost of the D.A.R.E. officer's salary.

Clerk of Council Summary: This legislation authorizes the filing of a grant application to reimburse certain expenses incurred in Tipp City's DARE program for the 2009/2010 school year.

City Manager's Report: The adoption of this resolution would authorize the City Manager to apply for and administer a grant from the Ohio Attorney General's office for matching funds of up to 50% of the cost of the DARE officer's salary for hours spent working in the classroom or with substantial DARE program activities.

There being no further discussion, Mrs. Gillis sponsored this resolution and moved for its adoption, seconded by Mayor Evans. The motion carried with a 7-0 vote. Resolution 33-09 was declared passed and President Hale affixed his signature in witness thereto.

**Resolution 34-09**  
I75-Exit 69 Project

A resolution authorizing the City of Tipp City's preliminary participation with the Ohio Department of Transportation (ODOT) for the proposed I-75 Exit 69 Southbound Ramp Project.

Clerk of Council Summary: This project will replace the two southbound clover leaf style ramps with two new diamond style ramps and a new traffic signal on CR25A.

City Manager's Report: This resolution authorizes the City's preliminary participation for the I-75 Exit 69 southbound ramp project. This \$4,000,000 project, which is scheduled for bid award in late 2011, will be 90% funded by ODOT. The City has committed to submit a grant application to the Miami Valley Regional Planning Commission (MVRPC) in the fall of 2009 for the remaining 10% of the project costs (local share). This project involves the reconfiguration to the two southbound ramps due to ongoing safety concerns related to a large number of accidents.

There being no further discussion, Mrs. Gillis sponsored this resolution and moved for its adoption, seconded by President Hale. The motion carried with a 7-0 vote. Resolution 34-09 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinance First Reading**  
Leaf Removal

Mrs. Blakey sponsored an ordinance directing the City to restore the leaf removal service and instituting a fee for the collection and removal of leaves.

Clerk of Council Summary: This ordinance restores the leaf removal service and requires that each residential refuse customer pay a fee of \$0.64 per month for leaf collection services effective October 1, 2009.

City Manager's Report: The adoption of this ordinance would restore leaf collection service and initiate a leaf removal fee of \$0.64 per month per residential refuse customer. Leaf collection was previously discontinued as a cost saving measure pursuant to Resolution 6-09. City Council reviewed various proposals and options for resuming leaf collection at its June 1, 2009 Study Session.

**Motions**

A professional traffic engineer conducted a Stop Sign Evaluation of the intersection of Bellaire and Arapaho and concluded that a 4-way stop is not warranted. The 24-hour traffic volume of this intersection was 859 vehicles with an 8-hour average of 63 vehicles per hour. The minimum threshold to warrant a 4-way stop is 300 vehicles per hour during any 8-hour period. Staff therefore recommends that Council direct that this intersection be changed back to a 2-way stop intersection. Council does, however, have the discretion to determine which street will be the stop street and which street will be the through street.

President Hale opened this up for discussion and recommended placing the stop signs in their original position as he believes that is what the residents of this area prefer. Mrs. Gillis agreed. Mayor Evans stated that he wanted to go on record stating that he is supportive of staff and their efforts at what they attempted to do with these changes. Under the circumstances it has been proven that there is not adequate justification for a four-way stop. Mrs. Blakey asked City Attorney Moore about the City's liability. Mr. Moore stated that the City has limited its liability by having the study done and then exercising discretion at moving it back the way it was.

President Hale made a motion to restore the stop signs at Bellaire and Arapaho to their original position with Arapaho being the through street. Motion was seconded by Mrs. Gillis and unanimously approved.

**Citizen Comments**

Mr. Rick Geel, 933 Arapaho, stated that he has listened to discussion but requested to hear the final decision. President Hale stated the stop signs will be placed in their original positions. Mr. Geel questioned whether other stops signs in the area would be reviewed and stated that he believes that Bellaire should be opened all the way to Westedge Road if the City follows the same guidelines. He added that he will be bringing a list back to Council of other areas where 4 way stops are in place that do not meet the above criteria because "if it's fair for one it's fair for all."

**Councilmember  
Comments**

Mrs. Gillis congratulated the Parks Department and stated she was looking forward to the Vintage Baseball game.

Mr. Lovett reported that on July 20-22 he attended the Policy Planning Council Meeting of the American Public Power Association. He is one of 40 members across the country who sets policy for this organization. This is a summer version where we go to Capital Hill to lobby legislators to try to take action or not take action favorable to Public Power. Tipp City is a public power community which provides power to residents at a significantly lower cost than that provided by investor owned utilities. While in Washington Mr. Lovett met with Senators Voinovich and Brown in person and made very clear our concerns about climate change legislation that recently passed the House. The Ohio Municipal Electric Association estimates that in the year 2020 it will cost the average citizen between 11-30% more on power bills just for cost allowances, not the added cost for the electricity. Mr. Lovett also shared concerns with John Boehner's Chief of Staff, Congressman Pat Teaberry of Columbus' staff, Senator Bunning from Kentucky's energy aide and had dinner with Congress Zack Space from eastern Ohio. He added that he met with

Congressmen or staff members from 6 jurisdictions. Ohio is predominantly a coal powered state. Over 75% of power used is from coal. The Climate Control legislation recently passed the house by a 219-212 vote and is now going to be considered by senate. Mr. Lovett stated that all congressmen are potentially still players in this and he feels that representatives did a good job at making our concerns known. This is his 7<sup>th</sup> trip to Washington, and he believes it is probably the most effective meeting. In particular, Senator Brown is a key vote in this, he asked a number of details and took a number of votes. Mr. Lovett added that the newspapers have been asking a lot of questions on how much this trip cost and reported that it was approximately \$1,000 which was taken from our electric fund. He asked citizens to keep in mind that we are looking at costs to our citizens between \$1-3M per year each year and he believes this was a good use of taxpayer's money to try to make our concerns heard and to get legislation enacted that will not adversely affect our citizens.

Mayor Evans welcomed the new Koenig John Deere business to Tipp City and stated they will be located at 25A and Blauser Drive

President Hale thanked Mr. Vath for stepping in for Mr. Crusey. Reminded residents to attend Community Night on Friday beginning at 7 p.m.

**City Manager Comments**

There were none.

**Adjournment**

Mr. Kessler made a motion, seconded by Mrs. Gillis, and unanimously approved to adjourn the meeting at 8:12 p.m.

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Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council